

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

HILDA L. SOLIS, SECRETARY OF LABOR,)
UNITED STATES DEPARTMENT OF LABOR,) Case No. 3:11-CV-05528 RBL
Plaintiff,)
v.) **CONSENT JUDGMENT**
COLUMBIA FRUIT LLC and MARTY)
PETERSON,)
Defendants.)

Plaintiff, Hilda Solis, Secretary of Labor, United States Department of Labor, will file her Complaint, and Defendants Columbia Fruit LLC and Marty Peterson hereby acknowledges receipt of a copy of the Complaint herein, waive their Answer and waive any defense to the Complaint to be filed herein, waive further findings of fact and conclusions of law, and agree to the entry of this Judgment without contest. It is, therefore, upon motion of the attorneys for Plaintiff, and for cause shown:

(1) IT IS ORDERED that Defendants Columbia Fruit LLC and Marty Peterson, their officers, agents, servants, and employees and all persons acting or claiming to act on their behalf and

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1 interest be, and hereby are, permanently enjoined and restrained from violating the provisions of
2 Sections 15(a)(4) and 15(a)(5) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. §201
3 *et seq.*), hereinafter referred to as the Act, in the following manner:

4 (a) Defendants Columbia Fruit LLC and Marty Peterson shall not, contrary to
5 Sections 12 and 15(a)(4) of the Act: (1) ship or deliver for shipment in commerce goods produced in
6 an establishment situated in the United States in or about which, within thirty days prior to the
7 removal of such goods therefrom, oppressive child labor has been employed, and; (2) employ child
8 labor in commerce or in the production of goods for commerce or in any enterprise engaged in
9 commerce or in the production of goods for commerce, and;

10 (b) Defendants Columbia Fruit LLC and Marty Peterson shall not, contrary to
11 Sections 11(c) and 15(a)(5) of the Act, fail to make, keep, and preserve records as prescribed by the
12 regulations duly promulgated under Section 11(c) (29 C.F.R. §516), showing employees' hours
13 worked each workday and each workweek, the regular rate of pay, the basis upon which wages are
14 paid, the total straight time earnings for each workweek, the total overtime excess compensation, the
15 nature and amount of each deduction made each workweek, and other relevant identifying
16 information pertaining to the employee, with respect to each of their employees.

17 (2) IT IS FURTHER ORDERED that a Court Registry be established in this matter. The
18 funds which are deposited into the Court Registry shall be held in an interest-bearing account and
19 shall be kept in the Court Registry until disbursal is ordered by the Court.

20 (3) IT IS FURTHER ORDERED that Defendants deposit into the Court Registry, no later
21 than 7/11/2011, by certified check made payable to "Clerk of the Court, U.S. District Court," the
22 amount of \$8,175, which is 50% of the Civil Money Penalties assessed by the U.S. Department of
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1 Labor. Defendants will have the opportunity to review, contest, and have adjudicated the assessment
2 of Civil Money Penalties pursuant to 29 C.F.R. Part 579.

3 (4) IT IS FURTHER ORDERED that each of Defendants' fore-persons shall attend a
4 training at the U.S. Department of Labor, Wage and Hour Division ("Wage and Hour Division"),
5 Portland, Oregon office. "Defendants' fore-persons" shall be defined as each individual who
6 supervises each of Defendants' employees who participate in any growing, harvest, or other
7 production of Defendants' goods for any part of the period from May 15 to July 15 of each year. The
8 training will be developed and administered by the Wage and Hour Division and will include but is
9 not limited to the following:
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12 (a) The training shall be given at the beginning of the growing season, or, at the
13 election of the Wage and Hour Division, not later than May 29 of each year;

14 (b) The training will be part of the hours worked of each training attendee;

15 (c) Travel to and from the training shall be part of the hours worked of each
16 training attendee;

17 (d) The training shall be no more than four hours in duration;

18 (e) The content of the training will be laws enforced by the Wage and Hour
19 Division;
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21 (f) The training will be held at the Portland, Oregon office of the U.S. Department
22 of Labor, Wage and Hour Division, located at 620 SW Main Street, Room 423, Portland, Oregon
23 97205;
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25 (g) The Wage and Hour Division will notify Defendants no less than ten business
26 days prior to the date of the training, when the training will take place;
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1 (h) Because only Defendants will know how many individuals meet the definition
2 of a training attendee, in the event Defendants anticipate more than fifteen training attendees,
3 Defendants shall notify the Portland, Oregon office of the Wage and Hour Division no later than ten
4 business days prior to the date scheduled for the training, the number of attendees;

5
6 (i) The Wage and Hour Division will exclusively determine the content of the
7 training;

8 (j) The training shall take place in the years 2012, 2013 and 2014;

9 (k) The Wage and Hour Division, Portland office, shall notify Defendants of the
10 date of the training no later than May 1 in each year the training takes place;

11 (l) In the event either party seeks either clarification regarding the training or to
12 change any aspect of the training, that party shall state its request in writing to the other party.

13
14 (5) IT IS FURTHER ORDERED that, no later than June 1, of each year from 2012 to
15 2014 inclusive, Defendants shall provide the Wage and Hour Division with a self-audit of its
16 compliance with 29 U.S.C. §§211, 212 and 215. The Wage and Hour Division shall provide the
17 format of this self-audit in writing to Defendant no later than January 15, 2012. Defendants shall use
18 this same format in the years 2012, 2013 and 2014.

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20 (6) IT IS FURTHER ORDERED that each party shall bear its own fees and other
21 expenses incurred by such party in connection with any stage of this proceeding.

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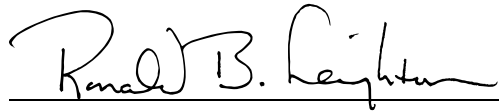
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1 DATED this 18th day of July, 2011.

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4 RONALD B. LEIGHTON
5 UNITED STATES DISTRICT JUDGE

6 Presented by:

7 M. PATRICIA SMITH
8 Solicitor of Labor

9 LAWRENCE BREWSTER
10 Regional Solicitor

11 BRUCE L. BROWN
12 Associate Regional Solicitor

13 JEANNIE GORMAN
14 Senior Trial Attorney

15 EVAN NORDBY
16 Trial Attorney

17 /s/Evan H. Nordby
18 United States Department of Labor
19 Counsel for Plaintiff

20 Dated: July 14, 2011

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1 Entry of this Judgment is hereby consented to:

2
3 /s/Marty Peterson

4 Columbia Fruit LLC, Marty Peterson, Member
5 Defendant

6 Dated: July 6, 2011

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9
10 /s/Marty Peterson

11 Marty Peterson
12 Defendant

13 Dated: July 6, 2011

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15
16 /s/Timothy Resch

17 Timothy Resch: Samuels Yoelin Kantor, WSBA #29022
18 Counsel for Defendants

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20 Dated: July 6, 2011

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EXHIBIT A

Employee Name

Backwage Period

Total Due

This information to be provided at a later date

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